

1 Mark E. Merin (State Bar No. 043849)  
2 Paul H. Masuhara (State Bar No. 289805)  
3 LAW OFFICE OF MARK E. MERIN  
4 1010 F Street, Suite 300  
5 Sacramento, California 95814  
6 Telephone: (916) 443-6911  
7 Facsimile: (916) 447-8336  
8 E-Mail: mark@markmerin.com  
9 paul@markmerin.com

10 Attorneys for Plaintiffs  
11 ESTATE OF XANDER MANN,  
12 AMY PICKERING, and JUSTIN MANN

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

ESTATE OF XANDER MANN, AMY  
PICKERING, and JUSTIN MANN,

Plaintiffs,  
vs.

COUNTY OF STANISLAUS, STANISLAUS  
COUNTY SHERIFF'S DEPARTMENT,  
JEFF DIRKSE, GERARDO ZAZUETA,  
and DOE 1 to 20,

Defendants.

Case No. 1:21-cv-01098-AWI-SKO

**PLAINTIFF ESTATE OF XANDER MANN'S  
NOTICE OF MOTIONS; MOTION TO  
COMPEL; AND MOTION FOR EXPENSES  
RE: RFP NO. 1**

Date: July 6, 2022  
Time: 9:30 a.m.  
Location: Robert E. Coyle U.S. Courthouse  
2500 Tulare Street  
Fresno, CA 93721  
Courtroom: 7 (6<sup>th</sup> Floor)  
Magistrate: Hon. Sheila K. Oberto  
Judge:

**NOTICE OF MOTIONS**

PLEASE TAKE NOTICE that, pursuant to E.D. Cal. L.R. 251, on July 6, 2022, at 9:30 a.m., in Courtroom 7 (6<sup>th</sup> Floor) of the Robert E. Coyle U.S. Courthouse, 2500 Tulare Street, Fresno, CA 93721, before the Honorable Magistrate Judge Sheila K. Oberto, Plaintiff Estate of Xander Mann does and will move the Court: (a) to compel production; and (b) to award expenses, as identified below.

The grounds for the instant motions, including substantive argument, supporting declarations, and exhibits, will be submitted to the Court in the forthcoming Joint Statement Re: Discovery Disagreement, pursuant to E.D. Cal. L.R. 251(c).

1 **MOTION TO COMPEL**

2 Plaintiff Estate of Xander Mann (“Estate”) does and will move the Court, pursuant to Fed. R. Civ.  
3 P. 34(a)(1)(A) and 37(a)(3)(B)(iv), to compel responses, or further responses based on production of  
4 evasive or incomplete responses, from Defendant County of Stanislaus (“County”), to the Estate’s  
5 request for production (“RFP”) no. 1, seeking: “All DOCUMENTS relating to the investigation of the  
6 Estate of Xander Mann, Amy Pickering, and Justin Mann’s government claim dated June 4, 2021,  
7 concerning the officer-involved death of Xander Mann—including: interviews conducted, statements,  
8 correspondence, video/audio recordings, reports, and memos.”

9 **MOTION FOR EXPENSES**

10 In the event that the Estate’s motion to compel is granted, in whole or in part, or that the County  
11 produces responses after this motion is filed, the Estate does and will move the Court, pursuant to Fed. R.  
12 Civ. P. 37(a)(5), for an award of reasonable expenses against the County and/or its counsel which were  
13 incurred in meet-and-confer efforts and making the instant motion, including attorneys’ fees and costs.

14 Dated: June 8, 2022

Respectfully Submitted,



15 By: \_\_\_\_\_  
16

17 Mark E. Merin  
18 Paul H. Masuhara  
19 LAW OFFICE OF MARK E. MERIN  
20 1010 F Street, Suite 300  
21 Sacramento, California 95814  
22 Telephone: (916) 443-6911  
23 Facsimile: (916) 447-8336

24  
25  
26  
27  
28 Attorneys for Plaintiffs  
ESTATE OF XANDER MANN,  
AMY PICKERING, and JUSTIN MANN